

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-CR-126

DAMIEN D. GAMBRELL,

Defendant.

ORDER DENYING MOTION FOR COMPASSIONATE RELEASE

Defendant Damien Gambrell pled guilty to conspiracy to distribute 100 grams or more of heroin and knowingly persuading and coercing an individual to travel in interstate commerce to engage in prostitution. Pursuant to a plea agreement, the Government recommended a 10-year mandatory minimum prison term and a 10-year term of supervised release as to Count 1, and a concurrent 5-year prison term as to Count 2. The recommendation was far below the Sentencing Guideline range of 360 months to life that was set forth in the Presentence Report. On August 3, 2018, the Court imposed a sentence consistent with the plea agreement. On August 11, 2020, Gambrell moved, pro se, for a compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). He claimed that his asthmatic condition raises his risk of potential harm from Covid-19. He argues that the pandemic has drained family relations with his grandmother and son who is in her care. The motion is denied.

Gambrell's health condition is not so severe that it significantly increases the risk should he contract Covid-19. Moreover, the Bureau of Prisons has taken steps to mitigate the disease and provide treatment to those who contract it. Finally, since the vaccine rollout, the Bureau of Prisons

has obtained vaccinations for high-risk inmates as well as prison staff. Under these circumstances, Gambrell, who is only 40 years of age, is unable to demonstrate that there are extraordinary and compelling reasons for a sentence reduction. Moreover, given the seriousness of the offenses and his prior criminal history, a reduction of his sentence would be inconsistent with the factors set forth in 18 U.S.C. § 3553(a)(1). For these reasons, the motion is denied.

Dated at Green Bay, Wisconsin this 3rd day of March, 2021.

s/ William C. Griesbach
William C. Griesbach
United States District Judge